

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-09-03

The Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order

Regarding Court Services provides:

Jury proceedings, including jury trials and grand jury proceedings, may commence anytime during a calendar week unless the Administrative District Judge has determined that the county in which the prospective juror has been summoned to attend court has a seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 of 25.0 or greater per 100,000 population as reflected on the Cases by County page of the Idaho Department of Health and Welfare's COVID-19 Data Dashboard available at www.coronavirus.idaho.gov.[.]¹

The Administrative District Judge's determination described in this paragraph shall be **based on the weekly COVID-19 incident rates for that county published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur.** *Id.* at 3-4. (emphasis added).²

¹"Once a trial has commenced, it should continue to verdict unless, in the discretion of the assigned judge, a significant increase in the weekly COVID-19 incidence rate or other local COVID-19 incident or public health action justifies a temporary suspension of the trial. Any order in this regard must be supported with written findings." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4. *See also* Idaho Supreme Court's September 10, 2020 Order Re: Commencement of Jury Trials, at 1 ("[T]he word 'commence' means the first day members of a jury venire are required to physically appear at a courthouse or designated facility.").

²"[T]he time used to calculate the right to a speedy trial pursuant to I.C. § 19-3501 shall be deemed to have been tolled for those counties affected by said order [of suspension of jury trials]." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4.

This order utilizes the data issued at the end of business on Thursday, September 2, 2021, when the daily state and county COVID-19 case numbers were released on-line by the Idaho Department of Health and Welfare, for each of the counties in this district, as noted hereinafter.

1. Ada County

Ada County had a seven-day moving COVID-19 case average of 21.8 per 100,000 population. Effective September 13, 2021, Ada County may resume jury trials.

2. Boise County

Boise County had a seven-day moving COVID-19 case average of 27.4 per 100,000 population. Boise County jury trials remain suspended.

3. Elmore County

Elmore County had a seven-day moving COVID-19 case average of 31.2 per 100,000 population. Elmore County jury trials remain suspended.

4. Valley County

Valley County had a seven-day moving COVID-19 case average of 23.8 per 100,000 population. Effective September 13, 2021, Valley County may resume jury trials.

Since local hospitals are at or nearly at crisis standards (see Administrative Order No. 21-09-01), the Court will continue to assess the COVID-19 situation and may preclude jury trials for the week of September 13, 2021, by further order.

IT IS SO ORDERED.

Dated this 03 day of September 2021.

DocuSigned by:

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HONORABLE STEVEN J. HIPPLER
Administrative District Judge

cc: All Judges
Sandra Barrios, Trial Court Administrator, Fourth Judicial District
Phil McGrane, Ada County Clerk of Court
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Douglas Miller, Valley County Clerk of Court
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Daniel Page, Elmore County Prosecutor
Brian Naugle, Valley County Prosecutor
Jayme Sullivan, Boise City Prosecutor
Charles Wadams, Garden City Prosecutor
Tony Geddes, Ada County Public Defender
Rob Chastain, Boise County Public Defender
Terry Ratliff, Elmore County Public Defender
Scott Erekson, Valley County Public Defender
Randy Rutland, Ada County Jury Commissioner
Ashley Turner, Boise County Jury Commissioner
Eileen Kirkland, Elmore County Jury Commissioner
Tammy Angier, Valley County Jury Commissioner